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Attorneys for Plaintiffs,
SONY BMG MUSIC ENTERTAINMENT;
ARISTA RECORDS LLC; INTERSCOPE
RECORDS; BMG MUSIC; UMG RECORDINGS,
INC.; and WARNER BROS. RECORDS INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SONY BMG MUSIC ENTERTAINMENT, a
Delaware general partnership; ARISTA
RECORDS LLC, a Delaware limited liability
company; INTERSCOPE RECORDS, a
California general partnership; BMG MUSIC, a
New York general partnership; UMG
RECORDINGS, INC., a Delaware corporation;
and WARNER BROS. RECORDS INC., a
Delaware corporation,

Plaintiffs,

v.

BRITTANY RAQUEL GRAY,

Defendant.

CASE NO. C 07-04854 WDB

The Honorable Wayne D. Brazil

**DECLARATION OF DAWNIELL ALISE
ZAVALA IN SUPPORT OF PLAINTIFFS'
REQUEST TO ENTER DEFAULT**

DECLARATION OF DAWNIELL ALISE ZAVALA

I, DAWNIELL ALISE ZAVALA, declare:

1. I am an attorney at law licensed to practice before the Courts of the State of California and the United States District Court, Northern District of California. I am an associate with the law firm of Holme Roberts & Owen LLP, counsel of record for Plaintiffs. Unless otherwise stated, I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. On February 4, 2008, Plaintiffs filed the First Amended Complaint ("Complaint") in this case against Defendant Brittany Raquel Gray ("Defendant"). Attached as **Exhibit A** is a true and correct copy of the proof of service on file with the Court, reflecting that Defendant was served with the Summons and Complaint on February 24, 2008, by personal service.

3. More than 20 days have elapsed since the date on which service of the Summons and Complaint was effective.

4. Neither Plaintiffs nor the Court have granted Defendant any formal extension of time to respond to the Complaint. Plaintiffs informally extended the time to May 23, 2008. That extension has expired.

5. Defendant has failed to answer or otherwise respond to the Complaint, or serve a copy of any answer or other response upon Plaintiffs' attorneys of record.

6. I am informed and believe that Defendant is not an infant or incompetent person.

7. A search for Defendant's name was conducted in the Department of Defense – Manpower Data Center. That search revealed no evidence that Defendant is in the military service.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 3rd day of June, 2008, at San Francisco, California.

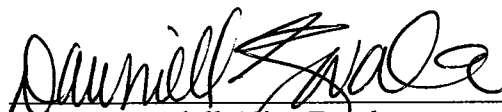

Dawniell Alise Zavala

EXHIBIT A

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

SONY BMG MUSIC ENTERTAINMENT, A
DELAWARE GENERAL PARTNERSHIP;
ET AL,

CASE NUMBER:

4:07-CV-04854-WDB

BRITTANY GRAY

v.

Plaintiff(s)

Defendant(s)

PROOF OF SERVICE
SUMMONS AND COMPLAINT

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action a I served copies of the (specify documents):

a. ☐ summons ☐ complaint ☐ alias summons ☐ first amended complaint
☐ second amended complaint
☐ third amended complaint

☒ other (specify): SUMMONS; NOTICE TO DEFENDANT; FIRST AMENDED COMPLAINT; EXHIBITS; ORDER GRANTING EX PARTE APPLICATION TO EXTEND TIME TO SERVE DEFENDANT; EX PARTE APPLICATION TO CONTINUE CASE MANAGEMENT CONFERENCE & ORDER; ORDER GRANTING EX PARTE APPLICATION FOR LEAVE TO TAKE IMMEDIATE DISCOVERY; AMENDED ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE & ADR DEADLINES; STANDING ORDER; CONTENTS OF JOINING CASE MANAGEMENT STATEMENT; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE & ADR DEADLINES; CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

2. Person served:

a. ☒ Defendant (name): BRITTANY GRAY
b. ☐ Other (specify name and title or relationship to the party/business named):

c. ☐ Address where papers were served:

3. Manner of Service in compliance with (the appropriate box must be checked):

a. ☒ Federal Rules of Civil Procedure
b. ☐ California Code of Civil Procedure

4. I served the person named in Item 2:

a. ☒ By Personal service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and the minor if at least twelve (12) years of age.

1. Papers were served on (date): 02/24/08 at (time): 10:53

b. ☐ By Substituted service. By leaving copies:

1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.

2. ☐ (business) or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.

3. ☐ Papers were served on (date): at (time):

4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).

5. ☐ papers were mailed on (date):

CV-1 (04/01)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

PAGE 1

Order No. 5254468



- c. ☐ **Mail and acknowledgment of service.** By mailing *(by first-class mail or airmail, postage prepaid)* copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. **(Attach completed Waiver of Service of Summons and Complaint).**
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity.** (F.R.Civ.P. 4(h))(C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment of by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity.** (C.C.P. 415.20 only) By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing *by first-class mail, postage prepaid,* copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. **(Attach a copy of the order to this Proof of Service).**
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California *(by first-class mail, postage prepaid, requiring a return receipt)* copies to the person served. **(Attach signed return receipt or other evidence of actual receipt by the person served).**
- h. ☐ **Other (specify code section and type of service):**
5. **Service upon the United States, and Its Agencies, Corporations or Officers.**
- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorney's Office.
- Name of person served:
- Title of person served:
- Date and time of service: (date): _____ at (time): _____
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washing, D.C. **(Attach signed return receipt or other evidence of actual receipt by the person served).**
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation **(Attach signed return receipt or other evidence of actual receipt by the person served).**
6. At the time of service I was at least 18 years of age and not a party to this action.
7. Person serving (name, address and telephone number):

T. ATKINSON

633 Yesler Way Seattle, WA 98104

206-521-9000

- a. Fee for service: \$
- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 2/27/08


(Signature)



PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the office of Holme Roberts & Owen in San Francisco, California. I am over the age of eighteen years and not a party to the within action. My business address is 560 Mission Street, 25th Floor, San Francisco, CA 94105.

On June 3, 2008, I served the foregoing documents described as:

DECLARATION OF DAWNIELL ALISE ZAVALA IN SUPPORT OF PLAINTIFFS'

REQUEST TO ENTER DEFAULT

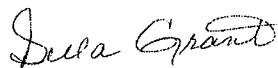
on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

**Brittany Raquel Gray
75 Poncetta Drive, #215
Daly City, CA 94015**

☒ BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 3, 2008 at San Francisco, California.



Della Grant